ZB# 76-11

Vincent & Robert Biagini

(no S-B-L given)

Public Hearing Come 26, 1926 George Fissorm. Heato Town paid Haple. Same to Town Court for on 4/27/16.

•	GENERAL RECEIPT	2791
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WILLIAMSON LAW BOOK CO., ROCHESTER, N. Y. 14609		Llepuly

ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR

In the Matter of the Application of DECISION GRANTING AREA VARIANCE (LOT WIDTH)

ROBERT BIAGINI and VINCENT BIAGINI

WHEREAS ROBERT BIAGINI and VINCENT BIAGINI of Woodcock Mountain Road, Washingtonville, New York, have applied to the Zoning Board of Appeals for an area variance to permit the construction of a building on premises located on Route 32, New Windsor, New York, to be known as "Jahn's Ice Cream"; and

WHEREAS the applicants seek a 24 ft. lot width variance in a C zone; and
WHEREAS a public hearing was held on the 26th day of April, 1976 at which
time no opposition appeared to the application; and ROBERT BIAGINI appeared on behalf of
himself and his brother, VINCENT BIAGINI; and

whereas notice of the public hearing was published in The Evening News and due notices to residents and businesses within 500 feet of the subject premises by certified mail were sent out; and

WHEREAS the Zoning Board of Appeals makes the following findings of fact in this matter:

- 1. The proposed 24 ft. lot width variance would not effect the general character of the neighborhood since the area is designated as a C zone.
- 2. The proposed operation is attractive and will be an asset to the community both tax wise and otherwise.

WHEREAS the Zoning Board of Appeals makes the following determinations of law in this matter:

- 1. The variance sought is not substantial in relation to the legally required lot width;
- The proposed variance would have no affect on the governmental facilities available;

- 3. There will be no substantial change in the character of the neighborhood nor a substantial detriment to the adjoining properties;
- 4. There is no feasible method for the applicant to erect the building on this lot other than through a variance;
 - 5. There are no other factors of interest bearing on this matter.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor grants a lot width variance as hereinabove requested; and

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals is directed to forward a copy of this decision to the applicants, the Town Pla-ning Board and the Town Clerk.

Dated: May 4, 1976.

THEODORE JARGSTORFF, Chairman

B. ORANGE COUNTY DEPARTMENT OF PLANNING APPLICATION FOR MANDATORY COUNTY REVIEW OF LOCAL PLANNING ACTION (Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.

To be signed by Local Official.

•	· •
	Local File No. 76 11
1. Municipality Town	of New Windsor Public Hearing Date 4/26/76
	ger Board // Planning Board /Z/ Zoning Board of Appeals
2. Applicant: NAME _	Robert a Vincent Biagini
	Woodcock Mt. Rd. Washingtonville, N.y.
	ey, Engineer, Architect
	Route 32 - Windson Highway - adjacent to Windson tan (street or highway, plus nearest intersection) a Windson tan
	tion: Section Block Lot
Present Zoning Dis	trict C Size of Parcel 42, too 59. Ret.
4. Type of Review:	Cappiex.
// Special Permit Use*	
Variance* Use	aust.
	Lot width variance pought.
// Zone Change*	From: To:
	170013
	To Co. 11. 11
// Zoning Amendment*	To Section:
/_/ Subdivision**	Major Minor
4/20/76	Patricia Raganska
Vate	Signature and Title Y

*Cite Section of Zoning Regulations where pertinent
**Three (3) copies of map must be submitted if located along County
Highway, otherwise, submit two (2) copies of map.

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

I.

App.	licant information:			• •	-
			· .	÷ .	• • •
(a)	VINCENT BIAGINI and ROBERT BIAGIN	П		*-	
. ~	(Name, address and phone of Ar	plicant)	••		, .
(d)	Woodcock Mountain Road, Washingto	omville. N.	y - 496-91	81	
	(Name, address and phone of pu	ırchaseror	: lessee)		
	a magazina and a maga		*	**	. *
	(Name, address and phone of at	torney)			
(d)	•		•		-
,	(Name, address and phone of br	oker)			
	The second of th	, ~ "	•	• .	_
lpp.	lication type:				
]	Use variance 24ff.	• •		•	
	Area variance(Lot width)				-
_					
#	Sign variance	•	•	-	
]	Special permit	. با ج			
,		• ,			
ro	perty information:	i ,	•	•	
	-	· .			•
(a)	(Zone) Windsor Highway, Rt. 32, (Address) New Windsor, I	J.Y. (M B	$\begin{array}{ccc} & 42,000 \\ \text{L}) & \text{(Lot)} \end{array}$	sq. fee	t_app
	to be an administration to contrast the co	•	4C		
(b)	What other zones lie within 50	0 ft.? _	NC		·
(c)	Is a pending sale or lease sub	oject to 2	ZBA approv	ral of	•
	this application? no			•	. ,
(d)	When was property purchased by	y present	owner? Ma	rch 1976	
اد'	Has property been subdivided p	reviously	r? m Wh	en2	•
E)	-				~
	and the second of the second o	variance o	or special	l permit	
(f)	Has property been subject of to previously? no When?				
	previously? no When?		against the	property	by
(f) (g) (h)	previously?no When? Has an order-to-remedy violation be the Zoning Inspector?yes		against the	property	by

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(N	u	nb	er	1

4/12/76. *

r.		Licant information:
<u></u> .	(a)	VINCENT BIAGINI and ROBERT BIAGINI (Name, address and phone of Applicant)
	(b)	Woodcock Mountain Road, Washingtonville, N. V 496-9181
. ,	(c)	(Name, address and phone of purchaseror lessee)
		(Name, address and phone of attorney)
	(b)	(Name, address and phone of broker)
	,,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	The second secon
II.	App	lication type: Use variance $24H$
	X	Area variance(Lot width)
•		Sign variance
	口	Special permit
III	Pro	perty information:
	(a)	C Windsor Highway, Rt. 32. (M B L) (Lot size)
•	(b)	What other zones lie within 500 ft.? NC
	(c)	Is a pending sale or lease subject to ZBA approval of this application? no
	(d)	When was property purchased by present owner? March 1976
	(e)	Has property been subdivided previously? no When?
	(f)	Has property been subject of variance or special permit previously?no When?
	(g)	Has an order-to-remedy violation been issued against the property by
	(h)	the Zoning Inspector? yes . If so, when
	,	
		·

State Washington St.

-	TA.	use	variance:		
		(a)	Use Variance requested from 1 Section, Table	New Windsor Z	oning Local Law,
			(Describe proposed use)	-	
			•		•
					•
		(b)	The legal standard for a "USI hardship. Describe why you will result unless the use veset forth any efforts you have hardship other than this applications."	feel unneces ariance is gr ve made to al	sary hardship anted. Also
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M	v.	Are	a variance:	-	and the second of the second
•		(a)	Area variance requested from Section 4.2 , Table of Bulk	, Column	5
			Requirements	Proposed or Available	Variance Request
	•	•	Min. Lot Area	-	
			Min. Lot Width 200.	3 -116	= 24
		٠	Reqd. Front Yard		
,		<u>.</u> *	Reqd. Side Yards		
			Reqd. Rear Yard		
			Reqd. Street Frontage*		***************************************
			Max. Bldg. Hgt.	-	
			Min. Floor Area*		-
	•		Development Coverage*	8	*
			Floor Area Ratio**	•	•
			* Residential districts onl ** Non-residential districts		

	•	The legal standard for a "Uhardship. Describe why yowill result unless the use set forth any efforts you hardship other than this ap	u feel unned variance is ave made to	cessary h granted.	ardship Also
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] v.	Are	a variance:			
		No	- Mar Winds	on Panin	
	(a)	Area variance requested from Section 4.2 , Table of Bull Regular Requirements		5 or	
	(a)	Section 4.2 , Table of Bull Regular	c, Column _	5 or	
	(a)	Section 4.2 , Table of Bull Regular Requirements	c, Column _	5 or	
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		Requirements Min. Lot Area Min. Lot Width X 200.	k Column tiopgroposed Available	5 or	Local Lance Requ
· · ·		Requirements Min. Lot Area Min. Lot Width 200. Reqd. Front Yard	k Column tiopFroposed Available	or Varia	
		Requirements Min. Lot Area Min. Lot Width 200 Reqd. Front Yard Reqd. Side Yards	c Column Liopgoposed C Available	or Varia	
		Requirements Min. Lot Area Min. Lot Width X 200. Reqd. Front Yard Reqd. Side Yards Reqd. Rear Yard	c Column Liopgoposed Available	or Varia	
		Requirements Min. Lot Area Min. Lot Width X 200. Reqd. Front Yard Reqd. Side Yards Reqd. Rear Yard Reqd. Street Frontage*	k Column LiopFoposed Available	5 or Varia	ance Requ
		Requirements Min. Lot Area Min. Lot Width 200 Reqd. Front Yard Reqd. Side Yards Reqd. Rear Yard Reqd. Street Frontage* Max. Bldg. Hgt.	k Column hiopsoposed (Available	or Varia	ance Requ

	set forth any efforts you have made to alleviate the difficulty other than this application.
	Property was purchased by applicants with the expressed intent
~	of using same for commercial purposes and property is zoned as such.
	The fact that the property is 24 ft. short makes it difficult to
	use the property for which it was zoned.
	Also, a sign variance would be needed to advertise the use of
	this commercial property since it is new in New Windsor.
VI. Sign	Variance:
. (a)	Variance requested from New Windsor Zoning Local Law, Section , Table Column A A - C/O.
	Fyel Standing - double aced 14.4x 8 Proposed or Variance Requirements Available Request
ه المحادث الله المحادث المحاد	Sign(1) 10 96 86
	Sign 2
A STATE OF THE STA	Sign 3
: عصفول ن	Sign 4
	Sign 5
	Total /0 sq.ft. 96 sq.ft. 86 sq.ft.
(b)	Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.
•	
• •	•
(c) _.	What is total area in square feet of all signs on premises including
	signs on windows, face of building, and free-standing signs?
	. ,

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(b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty

will result unless the area variance is granted. Also

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	1	use the p	property for	r which it w	vas zoned.		
		Also, a s	sign variand	ce would be	needed to adv	vertise the u	se of
		this com	ercial prop	perty since	it is new in	New Windsor.	
•	_	-			***		
P VI.	Sig	n Variand	:	· _	• •	•	
•	.(a)	Variance	request	ed from Ne	w Windsor	Zoning/Loca	il Law.
		Section				Zoning Loca mn A -	<u>C10</u> .
	•	Evel sto	uding -	louble fass	coposed or	Variance	
- ",	, <u>,</u> ,	Free	Require	ments A	vailable	Request	. •
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		signs on	windows, f	ace of buil	ding, and fre	e-standing s	ions?
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The fact that the property is 24 ft. short makes it difficult to

U vii.	Special Permit:
	(a) Special permit requested under New Windsor Zoning Local Law, Section, Table, Column
	(b) Describe in detail the use and structures proposed for the special permit.
•	
	*
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· •	
☐ vIII	. Additional comments:
	(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is
•	maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening,
	sign limitations, utilities, drainage.)
•	
🖾 ıx.	Attachments required:
•	Copy of letter of referral from Building and Zoning Inspector.
	Copy of contract of sale, lease or franchise agreement.
	Copy of tax map showing adjacent properties
-	Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
	Copy(ies) of sign(s) with dimensions.
•	Check in amount of \$25.00 payable to Town of New Windsor. Check in the amount of \$25.00 payable to Secretary for taking public represents of existing premises which show all present signs and landscaping.

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M	****** 3.3.3	itional comments:	• •		
	ATTT' WOO	retoust comments:			
•	(a)	Describe any conditions			ure
		that the quality of the	zone and neighb	oring zones is	
,	ء سيد ها دادد	maintained or upgraded the New Windsor Zoning	and that the Int	ent and spirit (tered. (Trees	
. , .		landscaping, curbs, lig	hting, paving, f	encing, screeni	ng.
,		sign limitations, utili	ties, drainage.)		
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M	IX. Att	achments required:			
		Copy of letter of refer	ral from Buildin	og and Zoning	<i>'</i> -3
-	·	Inspector.			

-	-	Copy of contract of sal	le, lease or fran	ichise agreement	•
	· · · · · · · · · · · · · · · · · · ·	Copy of tax map showing	adiacent proper	ties	
-		•		· • • • • • • • • • • • • • • • • • • •	
	X	Copy(ies) of site plan	or survey showing	ng the size and	
-	-	location of the lot, the facilities, utilities,	secess drives r	urking areas	
		trees, landscaping, fer	access drives, b ncing, screening,	signs. curbs.	
		paving and streets with	in 200 ft. of the	ne lot.	
	•	•	-	•	
		Copy(ies) of sign(s) wi	ith dimensions.	•	•
•	Y	Check in amount of \$25	payable to	Fown of New Wind	lsor.
•	one	Check in amount of $\$26$ Check in the amount of $\$26$ Tos of existing premises which	700.payable to Secre h show all present s	etary for taking pu signs and landscapi	blich. ng.
	All	photos must be 8" x 10" or b	e mounted on 8 1/2"	x 11" paper.	
		Other		•	•
			•	•	
		-			
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	Public Hearing 8:30 - 4/26/76 - Biagini
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	Name: Caldress: Green Town Tepresenting Highland Nott BK The Edlygolfor " Now Bank Bank
	Eugene Odile Four Tepresenting Highland noti Bk
	The Ollygolfr " NEWBURGH SAULUS BOOK
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Mr. Henry Van Leeuwen, Chairman New Windsor Planning Board 555 Union Avenue New Windsor, N. Y. 12550

RE: PUBLIC HEARINGS SCHEDULED FOR APRIL 26, 1976

Dear Hank:

Kindly be advised that the following public hearings will be held on Monday evening, April 26, 1976 at the Town Hall before the Zoning Board of Appeals:

#76-6 - Gordon Carpet Outlet at 8 p.m.

#76-10 - Jame & Charles Thompson at 8:15 p.m.

#76-11 - Robert & Vincent Biagini at 8:30 p.m.

I have enclosed herewith copies of the above applications together with a copy of each public hearing notice which appeared in the Evening News on April 17, 1976.

Very truly yours,

PATRICIA RAZANSKY, Secretary

die.

/pr

Enclosures

Cc: Howard Collett.

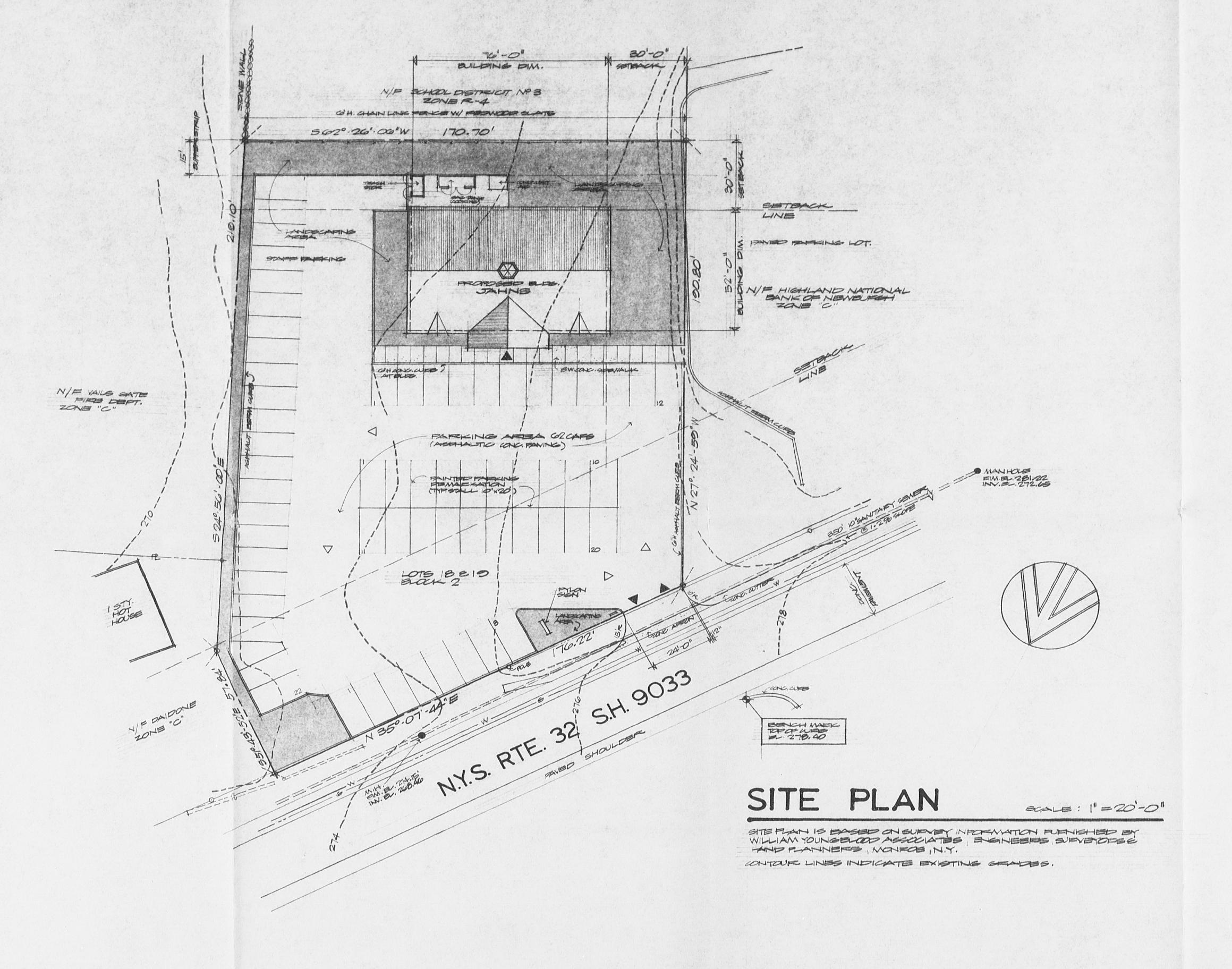
PUBLIC NOTICE OF HEARING BEFORE THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a public hearing pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

Appeal No. 11	
Request of VINCENT BIAGINI and ROBERT B	IAGINI
for a Variance SpecialxUsexPenni	t of the
regulations of the Zoning Local Law, to p	permit
insufficient lot width	
being a Variance XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	Mox of
Section 4.2 - Table of Bulk Regulations	-Part II- Column 5,
for property situated at: Route 32, Winds	sor Highway,
adjacent to Windsor Farms and Highland Na	tional Bank,
New Windsor, N.Y.	
SAID HEARING will take place on the 26th day of	April , 19 _{76 ,}
at the New Windsor Town Hall, 555 Union Avenue, New	Windsor, N. Y.
beginning at 8:30 o'clock P. M.	
THEODORE_JARGS' Chairma	

41

EURGESS SIGN & XXXI, INC.



YARD REQUIREMENTS		AREA (SQ. FT.)	
FRONT	108'-80"	BLDG.	3,952
SIDE	30'-0"	PLOT.	40,959.5
REAR	30-0"	TOTAL PARKING	
	and the same case of the same of a control of a same	62	CARS

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